IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 41 OF 2007
IN
WRIT PETITION NO. 76 OF 2002

ANTONIO D' SOUZA ... Applicant
Versus
NEONITA D' COSTA AND 10 ORS ... Respondents

Ms. Norma Alvares, Advocate for the petitioner.
Ms. W. Coutinho, Government Advocate for the respondents No.1 to 3, 10 and 11 absent.
Mr. H. D. Naik, Advocate for the respondents No.5 and 6.
Mr. S. D. Lotlikar, Senior Advocate with Mr. R. Menezes, Advocate for the respondent No.8.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 11th September, 2007

P.C.

Heard learned Counsel on behalf of the parties, at length.

2. After our order dated 17/4/2007, the Central Pollution Control Board has given its report pursuant to the Chairman's letter dated 23.3.07 and our said order and, has opined therein that the ambient noise level shall be averaged for the duration of the activity and not for the combined period of the activity and the non-activity. Since the very purpose to provide certain standards of ambient air quality is to reduce the noise level, prima facie, we accept the said opinion and we are of the view that the Committee should consider deciding the applications by taking average noise level during the duration of loading/un-loading activities at night. In our view, the time weighted average of the level of sounds in decibels, referred to in the note to the Schedule below the Noise Pollution (Regulation and Control) Rules, 2000 has no relevance to the duration of

daytime and night time as specified in the said note.

2. Application is disposed off on the above terms.

3. Classification of the area is long over due. We direct the Government to expedite the classification of the area, whether it is commercial or residential within a period of eight weeks.

R. S. MOHITE, J.

N. A. BRITTO, J.

ssm.